

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ROBLES-RINCON,

Defendant.

CASE NO: 2:20-CR-0155-TOR

ORDER DENYING THIRD MOTION
TO DISMISS

BEFORE THE COURT is Defendant's Third Motion to Dismiss. ECF No.

67. This motion has been pending since November 12, 2021, while the Court and

the parties awaited the Ninth Circuit's decisions in *United States v. Carrillo-Lopez*,

21-10233, *United States v. Rodrigues-Barios*, 21-50145, and *United States v.*

Bastide-Hernandez, No. 19-30006. The Court has reviewed the record and the

files herein and is fully informed.

Based on the published decision in *United States v. Carrillo-Lopez*, 21-

10233, __ F.4th __ (9th Cir. May 22, 2023), Defendant's motion is denied.

1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

2 1. The STAY in this matter is now **LIFTED**.
3 2. Defendant's Third Motion to Dismiss, ECF No. 67, is **DENIED**.

4 The District Court Executive is directed to enter this order and provide
5 copies to counsel.

6 DATED May 24, 2023.



7 A handwritten signature in blue ink that reads "Thomas O. Rice".
8 THOMAS O. RICE
9 United States District Judge